

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

BENJAMIN BROOKS, } Case No. 2:24-cv-03157-AB (DTB)  
Plaintiff, }  
v. }  
DCFS, et al., }  
Defendants. }  
**ORDER TO SHOW CAUSE  
REGARDING FAILURE TO FILE  
FIRST AMENDED COMPLAINT**

On April 17, 2024, plaintiff Benjamin Brooks (“Plaintiff”), proceeding pro se, filed a Complaint under 42 U.S.C. § 1983, naming the following defendants: “DCFS,”<sup>1</sup> Yolanda Barcla (“Barcla”), Victor Sibrian (“Sibrian”), Sheilla Bejarano (“Bejarano”), Annabelle G. Cortez (“Cortez”), Rosa M. Figueroa (“Figueroa”), R. Gainer (“Gainer”), Lingling Zhang (“Zhang”), Chris Leschke (“Leschke”), and Stacy

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<sup>1</sup> Given the allegations in the Complaint, the Court construes this defendant as the Los Angeles County Department of Children and Family Services. (<https://dcfs.lacounty.gov/>.)

1 Wiese (“Wiese”). (Complaint at 3, 4, 7-9.)<sup>2</sup> All defendants were sued in their official  
2 capacities only.

3 On June 11, 2024, after screening the Complaint in accordance with 28 U.S.C.  
4 § 1915A(b), the Court issued an Order Regarding Complaint, advising Plaintiff that  
5 the Complaint was subject to dismissal on various grounds, including that he had  
6 named the individual social workers in their official capacities, rather than their  
7 individual capacities, and that he had also named individual defendants who were  
8 immune from liability. (Docket No. 16.) In response to the Court’s Order Regarding  
9 Complaint, on August 22, 2024, Plaintiff filed a First Amended Complaint pursuant  
10 to 42 U.S.C. § 1983 (“FAC”).<sup>3</sup> (Docket No. 18.) Named in the FAC as defendants  
11 are the County of Los Angeles (the “County”) and the Department of Children and  
12 Family Services (“DCFS”). (FAC at 1, 3.)

13 On October 1, 2024, after screening the FAC in accordance with 28 U.S.C. §  
14 1915A(b), the Court issued an Order Regarding First Amended Complaint, advising  
15 Plaintiff that the FAC was subject to dismissal as the FAC fails to state a claim against  
16 the named defendants. The Court provided Plaintiff with several options regarding  
17 how to proceed and ordered him to respond within 30 days.

18 As of this date, Plaintiff has not responded to the Court’s Order Regarding First  
19 Amended Complaint, nor has he communicated with the Court since the filing of his  
20 FAC.

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22       <sup>2</sup> The Complaint, including the attachments, is 37 pages in length. The pages of these  
23 documents are not consecutively numbered from the first page as required by Local Rule 11-3.3  
24 and they are not in proper order. For convenience and clarity, the Court has consecutively  
25 numbered the pages of the Complaint to correspond with the electronic pagination provided by the  
Court’s CM/EFC docketing system.

26       <sup>3</sup> The FAC, including the exhibits, is 66 pages in length. The pages of these documents are  
27 not consecutively numbered from the first page as required by Local Rule 11-3.3, and they are not  
in proper order. For convenience and clarity, the Court has consecutively numbered the pages of  
28 the Complaint to correspond with the electronic pagination provided by the Court’s CM/EFC  
docketing system.

1 Plaintiff is ordered to show cause why this action should not be dismissed for  
2 lack of prosecution and failing to comply with the Court's order. Plaintiff may  
3 alternatively file a response to the Order Regarding First Amended Complaint or a  
4 Notice of Voluntary Dismissal to discharge this Order to Show Cause. Plaintiff's  
5 response is due no later than **December 6, 2024**. The Clerk is directed to send  
6 Plaintiff a blank Central District civil rights complaint form, which Plaintiff is  
7 encouraged to use as well as a Central District request for dismissal form.

8 **Plaintiff is hereby cautioned that failing to comply with this Order will**  
9 **result in the recommendation that this action be dismissed for failure to**  
10 **prosecute and failure to comply with the Court's Order.**

12 DATED: November 15, 2024

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14 DAVID T. BRISTOW  
15 UNITED STATES MAGISTRATE JUDGE